

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of November 12, 2008 and the Examiner's comments during a telephonic interview on March 9, 2009. Claims 2-4, 6-9, 13-25 and 39 are currently pending. Claim 39 has been amended.

Reconsideration of the Application is requested.

The Office Action

Claims 2-4, 6-9, 13-25 and 39 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 2-4, 6-9, 13-25 and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Westerinen et al. U.S. Patent No. 7,065,740 (Westerinen) in view of Haines et al. U.S. Patent Application Publication No. 2002/0072998 (Haines).

Applicant's Response

The Applicants wish to extend their appreciation to Examiner Pollack for discussing the last Office Action with Applicants' representative on March 9, 2009. It is our understanding, based on the interview, that the currently amended claim 39 will overcome the outstanding 35 U.S.C. § 101 rejection. Accordingly, the Examiner is respectfully requested to withdraw this grounds of rejecting claims 2-4, 6-9, 13-25 and 39.

With regard to the rejection of claims 2-4, 6-9, 13-25 and 39 as being unpatentable over Westerinen in view of Haines, this grounds for rejection is respectfully traversed for the reasons discussed below.

Independent claim 39, and all claims depending therefrom, i.e. claims 2-4, 6-9 and 13-25, has been amended to more clearly define the claimed subject matter. Specifically, claim 39 includes limitations which further define the DMA and the provisioning server.

It is submitted that the currently cited prior art does not disclose/teach all of the limitations of the currently amended claim 39, either alone or in combination. Accordingly, the Examiner is respectfully requested to withdraw this grounds of rejection.

CONCLUSION

For the reasons detailed above, it is submitted all remaining claims (Claims 2-4, 6-9, 13-25 and 39) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	21	- 38 =	0
INDEPENDENT CLAIMS	01	- 3 =	0

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Jeffrey N. Zahn, at Telephone Number (216) 363-9000.

Respectfully submitted,

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